

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

GEORGE WILLIAM MICHAEL, SR.,

Plaintiff,

v.

Civil Action No. 2:06cv56

**ADMINISTRATOR, Eastern Regional Jail;
COUNSELOR BRYANT; and the
CHAIN OF COMMAND,**

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se in the above-styled civil rights action, seeks to pursue his remedies in this Court pursuant to 42 U.S.C. §1983.¹ It will be recalled that on October 13, 2006, Magistrate Judge Kaull filed his Report and Recommendation, wherein the Plaintiff was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. On October 23, 2006, Plaintiff filed his Objections to the Magistrate Judge's Recommendation.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised by the Plaintiff in his Complaint were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendation. Furthermore, upon careful consideration of the Plaintiff's objections, it appears to the Court that the Plaintiff has not raised any issues that were not thoroughly considered and addressed by Magistrate Judge Kaull in his Report and Recommendation. Moreover, the Court, upon an independent de novo consideration of all matters now before it, is of the opinion that

¹Plaintiff alleges that defendants are conspiring to deny him access to the courts.

the Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action.

The Court additionally notes that on November 1, 2006, Plaintiff filed a Motion to Amend Petition, which motion seeks to amend the petition to add Counselor Hudson as a Defendant. Upon review of the motion, it appears to the Court that the Plaintiff is attempting to make allegations against Counselor Hudson that relate to actions against a fellow inmate. Accordingly, Plaintiff lacks standing to assert such allegations against Counselor Hudson in this proceeding, and the Plaintiff's Motion to Amend is **DENIED**. Therefore, based upon the aforementioned findings, it is

ORDERED that Magistrate Judge Kaull's Report and Recommendation be, and the same hereby is, accepted in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the Plaintiff's claims against the "chain of command" be, and the same hereby are, **DISMISSED with prejudice** pursuant to 28 U.S.C. §§1915A and 1915(e). It is further

ORDERED that Plaintiff's claims against the Administrator of the Eastern Regional Jail and Counselor Bryant be, and the same hereby are, **DISMISSED** pursuant to 28 U.S.C. §§1915A and 1915(e) for failure to state a claim. It is further

ORDERED that Plaintiff's Complaint be, and the same hereby is, **DISMISSED** in its entirety and that this matter be **STRICKEN** from the docket of this Court. It is further

ORDERED that the Clerk shall enter judgment for the Defendants. It is further

ORDERED that, if Plaintiff should desire to appeal the decision of this Court, written notice of appeal must be received by the Clerk of this Court within thirty (30) days from the date of the entry of the Judgment Order, pursuant to Rule 4 of the Federal Rules of Appellate Procedure. The \$5.00 filing fee for the notice of appeal and the \$450.00 docketing fee should also be submitted with the notice of appeal. In the alternative, at the time the notice of appeal is submitted, Plaintiff may, in accordance with the provisions of Rule 24(a) of the Federal Rules of Appellate Procedure, seek leave to proceed in forma pauperis from the United States Court of Appeals for the Fourth Circuit.

ENTER: May 30th, 2007

/s/ Robert E. Maxwell
United States District Judge